



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

☐ General Waiver

SUBJECT Request by Los Angeles Unified School District to waive <i>Education Code</i> (EC) section 37202, the equity length of time requirement, to allow a full day kindergarten program at 205 out of a total of 440 elementary schools (see attached list of participating schools). Waiver Number: 26-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

Approval for one year with the condition that the district provides an evaluation of the full day kindergarten pilot program before a renewal is considered.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education has approved similar waivers in the past.

SUMMARY OF KEY ISSUES

Los Angeles Unified School District (LAUSD) is requesting a waiver of the equity length of time requirement, EC section 37202, which states a "school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year." The district wants to start a pilot program of extended day kindergarten at 205 (46.5%) out of 440 elementary schools. The districts plans to implement the pilot program by phasing in full day kindergarten programs at a limited number of schools each year and then increase the number of participating schools each year over a four-year period.

The district finds that even while they have accomplished academic growth over the last five years, overall achievement remains low. District staff and kindergarten teachers are collaborating to provide kindergarten pupils with ample opportunities for student learning and achievement. These pupils need this additional time to reduce the achievement gap. (See attached waiver, section 7 for additional information.) The district has adopted EC section 8970-8974, the Early Primary Program, at their board meeting. There is an open enrollment policy in place at the district and all of the school site councils were informed of this pilot program.

When the district submitted this waiver request in March 2004, the United Teachers Los Angeles (UTLA) had requested that "no position" or neutral be stated as their position on the waiver. However, since that time, the CDE Waiver Office has received a formal letter (**see attached letter**) of opposition from the UTLA General Counsel.

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UTLA cites as their reasons for opposition, three of the reasons of denial of a general waiver. These include EC section 33051(a)(1), the educational needs of the students are not adequately being met; EC section 330501(a)(3), the appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees, and, 330501(a)(7), the exclusive representative of employees, if any, as provided in Chapter 10.7 of Division 4 of Title 1 of Government Code, was not a participant in the development of the waiver.

UTLA has been involved in the development of the waiver as noted by their neutral or "no position" on the waiver request when it was first submitted to CDE in March of 2004. As per EC section 33051(a)(3), LAUSD has met the requirement of the law by including the union's participation in the waiver process (see dates that union was consulted on waiver form).

As to UTLA's claim that EC section 33051(a)(1) is not being met, the purpose of this waiver request is to increase student learning and student achievement. Increasing the number of instructional minutes at each of these kindergarten classes would mean that pupils are having more needs met by increasing instructional time.

And finally, as to EC section 33051(a)(3), regarding the district's advisory committees, the annual LAUSD's "roadshow" informed all of the school advisory committees of the pilot program to extend kindergarten classes in certain schools. LAUSD is divided into eleven "districts," each headed by a local superintendent who communicated to all of the site councils the opportunity to participate in the extended day kindergarten pilot program. As of April 15, 2004, there have been no objections made by school site councils to the pilot program per Norma Baker, Director of Elementary Instruction for LAUSD. The schools interested in participating in the pilot program submitted a school feedback form to their local district superintendent. LAUSD has been diligent in informing and expressing this pilot program opportunity to all those concerned.

Therefore, the Department recommends approval of this waiver for one year with the condition that the district provide an evaluation of the full day kindergarten pilot program before a renewal is considered.

Authority for Waiver: *Education Code* (EC) Section 33050

Bargaining unit(s) consulted on date(s): 03/11/04, 03/12/04, 03/25/04

Position of bargaining unit(s) (choose only one):

☒ **Neutral as of 3/26/2004**

☐

Support

☐ Oppose

Later, April 2, 2004, UTLA changed to OPPOSITION (see attached letter)

Name of bargaining unit/representative(s): Mike Dreebin, Elementary Vice President

Public hearing identified by (choose one or more):

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☒ posting in a newspaper ☐ posting at each school ☒ other (specify)

Public hearing held on date(s): 03/23/04

Local board approval date(s): 03/23/04

Advisory committee(s) consulted: School Site Councils

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: This process will be conducted during April 2004.

Period of request: July 1, 2004 to June 30, 2005

FISCAL ANALYSIS (AS APPROPRIATE)

LAUSD is prepared to absorb any costs. The kindergarten teachers are already full-time employees and implementing this pilot program will not cause an increase in salaries per Norma Baker, Director of Elementary Instruction. (See attached bulletin dated January 22, 2002 for verification)

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.